

UNITED STATES DISTRICT COURT
 for the
Eastern District of Michigan

United States of America

v.

Marcellus CORNWELL

Case: 2:22-mj-30196

Assigned To : Unassigned

Case No. Assign. Date : 4/26/2022

Description: CMP USA v. SEALED
 MATTER (SO)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 16, 2022 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

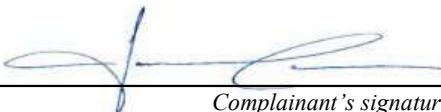
Offense Description

18 U.S.C. 922(g)(1)

Felon in possession of a firearm

This criminal complaint is based on these facts:

Continued on the attached sheet.


 Complainant's signature

Special Agent Jamerica Caldwell - ATF
 Printed name and title

Sworn to before me and signed in my presence
 and/or by reliable electronic means.

Date: April 26, 2022

City and state: Detroit, Michigan


 Judge's signature

Honorable Jonathan J.C. Grey, U.S. Magistrate Judge
 Printed name and title

AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT

I, Special Agent (SA) Jameria Caldwell, being first duly sworn, hereby depose and state as follows:

I. INTRODUCTION

1. I make this affidavit in support of a criminal complaint for Marcellus CORNWELL (XX/XX/1979), a felon in possession of firearms, in violation of Title 18 U.S.C. § 922(g)(1).

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosive (ATF) and have been for approximately six years. During my employment with the ATF, I have participated in numerous criminal investigations focused on firearms, narcotics, armed drug trafficking violations, and criminal street gangs.

3. I make this affidavit from personal knowledge based on my participation in this investigation, with exception of the matters expressly stated, which are based on information received from other law enforcement officials and/or their reports and records.

4. The information outlined herein is provided for the limited purpose of establishing probable cause and does not contain all details or facts that exist pertaining to the investigation.

5. I am investigating Marcellus CORMWELL (XX/XX/1979), for possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1).

II. INVESTIGATION AND PROBABLE CAUSE

6. On January 7, 2022, the ATF received an anonymous tip that a person named Marcellus had a vending machine on the side of his house that he used to sell marijuana and pills. The tip further provided that Marcellus has numerous firearms and is selling drugs and firearms to minors.

7. On January 11, 2022, I reviewed the anonymous tip prior to reviewing an intelligence work-up. This intelligence work-up revealed that a black, male (B/M) named Marcellus CORMWELL, (XX/XX/1979), is a previously convicted felon, with an address on Mettetal. According to a Secretary of State (SOS) query, on January 5, 2022, CORMWELL renewed his driver's license, listing the house on Mettetal as his address. At this time, I also reviewed the accompanying SOS photograph of CORMWELL.

8. I then reviewed a computerized criminal history (CCH) for CORMWELL, which revealed the following felony convictions:

- 1997- Armed Robbery – 3rd Circuit Court
- 1997- Felony Firearm – 3rd Circuit Court
- 2008- Carrying a Concealed Weapon – 3rd Circuit Court
- 2009- Firearms- Possession by a Felon – 6th Circuit Court
- 2009- Felony Firearm – 6th Circuit Court
- 2011- Identity Theft (Three Counts) – 3rd Circuit Court

9. CORNWELL was sentenced to more than one year in prison for each of these prior convictions.

10. I, along with additional members of the ATF, conducted surveillance at the residence and participated in two controlled suspected marijuana purchases from the marijuana vending machine during the months of February 2022 and March 2022. Specifically, ATF purchased approximately 5.28 gross grams of suspected marijuana on February 18, 2022, and on March 1, 2022, approximately 4.10 gross grams of suspected marijuana. Based on these facts, on March 14, 2022, I sought and obtained Federal Search Warrant: 2:22-mc-50612, authorizing the search CORNWELL'S last known address on Metetal, in Detroit, Michigan. The search warrant was authorized by Magistrate Judge David Grand.

Federal Search Warrant Execution

11. On March 16, 2022, at approximately 7:05 a.m., law enforcement personnel executed the above-listed Federal Search Warrant. Our presence and purpose was announced at the door by stating; "Police, Search Warrant, Open the door" multiple times. Agents observed an individual appear briefly in the upstairs bedroom and quickly disappear. After waiting a reasonable amount of time with no additional response from within, we forced entry into the residence. Upon entry, ATF located one man in the living room, near the front door and Marcellus

CORNWELL (XX/XX/1979) coming down the steps. Both were detained in the living room.

12. During the execution of the search warrant, members of the ATF recovered eighteen (18) firearms throughout the residence, dozens of rounds of assorted ammunition throughout the residence, and several kilograms of suspected marijuana throughout the residence. Specifically, the following firearms and ammunition were recovered:

- Masterpiece Arms, Model: Defender, 9mm caliber pistol, S/N: FX17839, found in the gun safe in the basement;
- Volunteer Enterprises Inc., Model: Commando Mark 3, .45 caliber rifle, S/N: 23528, found in the gun safe in the basement;
- Davis Industries, Model: DM22, .22 caliber pistol, S/N: 046676, found in the gun safe in the basement;
- Com Prod Inc., Model: CDM, .22 caliber revolver, S/N: 172989, found in the gun safe in the basement;
- Weihrauch, Model: Windicator, .357 caliber revolver, S/N: 1043364, loaded with five (5) rounds of .357 caliber ammunition, found in the gun safe in the basement.
- GIVATI Firearms, Model: RT9, 9mm caliber, semiautomatic pistol, S/N: MJP0165, found in the gun safe in the basement;

- American Tactical, Model: Omni-Hybrid, 5.56 / Multi caliber pistol, S/N: NS105977, found in the gun safe in the basement;
- Chongqing Jianshe Industry Group (JTS), Model: M12AR, 12-gauge caliber semiautomatic shotgun, S/N: AR2003706, found in the gun safe in the basement;
- Goodtime Outdoors Inc., Model: Core 15, .223 – 5.56 caliber rifle, S/N: GT0C089606, found in the gun safe in the basement;
- Western Field (Mossberg), Model: M550ABD, 12-gauge shotgun, S/N: H240360, found in the gun safe in the basement;
- Glock, Model: 27, .40 caliber pistol, S/N: BSBV738 loaded with nine (9) rounds of .40 caliber ammunition, found in the gun safe in the basement;
- Bushmaster, Model: XM15-E2S, .223 – 5.56 caliber semiautomatic rifle, S/N: BFI441828, found in the gun safe in the basement;
- RomarRSA – Cugir, Model: GPWASR-10/63, 7.62 x 39 caliber rifle, S/N: 1986RE3413, found in the gun safe in the basement;
- Rock River Arms, Model: LAR15, 5.56 caliber, S/N: KT1182150, found in the gun safe in the basement;

- Glock, Model: 19, 9mm caliber semiautomatic pistol, S/N: NLR040, found in the gun safe in the basement;
- Taurus, Model: G3C, 9mm caliber pistol, S/N: ACA412490, loaded with twelve (12) rounds of 9mm Luger ammunition, found in the gun safe in the basement;
- SCCY, Model: CPX-1, 9mm caliber semiautomatic pistol, S/N: C219348, found in the gun safe in the basement;
- Smith & Wesson, Model: SD 40VE, .40 caliber semiautomatic pistol, S/N: FDN2592, found in the gun safe in the basement;
- Box of approximately one hundred and forty-three (143) rounds of assorted ammunition approximately found in the gun safe in the basement.
- One (1) Pro Mag Drum Pistol magazine, one (1) SCCY pistol magazine, and one (1) Smith & Wesson magazine found in the gun safe in the basement.
- Thirty-three (33) rounds of assorted 9mm and .40 caliber ammunition found on the desktop and throughout the dining room.
- Two (2) boxes of .380 caliber ammunition containing fifty-seven (57) rounds found in the nightstand by the bed of CORNWELL's bedroom.

- Fifteen (15) rounds of 12-gauge ammunition and 1 round of 20-gauge ammunition found in the nightstand near door of CORNWELL's bedroom.
- Five (5) rounds of 12-gauge ammunition found loaded in a magazine in the nightstand by the bed of CORNWELL's bedroom.
- Twenty-five (25) rounds of .223 caliber ammunition found loaded in a magazine in the nightstand by the bed of CORNWELL's bedroom.
- Thirteen (13) rounds of .223 caliber ammunition found in the nightstand in the closer of CORNWELL's bedroom.

13. Ultimately, CORNWELL was taken to a secured location at the residence, at which time I, in the presence of another agent, provided CORNWELL with a copy of ATF form 3200.4- Advice of Rights and Wavier. CORNWELL stated he had some college education and can read and write English. I then read CORNWELL his *Miranda* rights. CORNWELL agreed to speak to agents and acknowledged his rights by placing his initials next to each one and signing the document.

14. During the interview, CORNWELL advised that he has resided at the Metetal address his entire life and occupies the upstairs bedroom with the safe in front of the dresser near the bedroom door. CORNWELL has owned and operated

the marijuana vending machine attached to the residence for four (4) years, making approximately \$2,000 per day. CORNWELL stated that the other man in the house is his employee and resides at the residence as well. CORNWELL advised that there is approximately \$7,000 in United States currency located in the safe in his bedroom, which he unlocked for ATF agents utilizing his fingerprint, an unknown amount of United States currency on the nightstand in his bedroom, and approximately \$5,700 in United States currency in the bag located in the dining room. CORNWELL continued to state that he makes the majority of his living from the marijuana vending machine.

15. Ultimately, CORNWELL advised that the firearm magazines and ammunition recovered from his bedroom belong to the firearms recovered in the gun safe located in the basement of the residence. CORNWELL went on to state that he obtained or purchased most of the firearms in the safe from individuals off the street except the Volunteer Enterprises Inc., Model: Commando Mark 3, .45 caliber rifle, S/N: 23528, and the Chongqing Jianshe Industry Group (JTS), Model: M12AR, 12-gauge caliber semiautomatic shotgun, S/N: AR2003706, which were birthday gifts, the American Tactical, Model: Omni-Hybrid, 5.56 / Multi caliber pistol, S/N: NS105977, which does not belong to him, and the Bushmaster, Model: XM15-E2S, .223 – 5.56 caliber, semiautomatic rifle, S/N: BFI441828, and the GIVATI Firearms, Model: RT9, 9mm caliber semiautomatic

pistol, S/N: MJP0165, which he was storing for a relative while they were out of town. CORNWELL also advised that he has had most of the firearms for less than three (3) years.

16. CORNWELL advised that he is a collector of firearms and that he is aware he is not allowed to possess firearms.

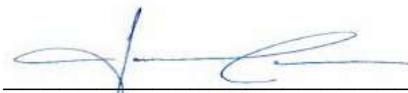
17. A law enforcement database query revealed that the Taurus, Model: G3C, 9mm caliber pistol, S/N: ACA412490, was reported stolen on November 20, 2021, out of Southfield, Michigan. The Smith & Wesson, Model: SD 40VE, .40 caliber semiautomatic pistol, S/N: FDN2592, and the SCCY, Model: CPX-1, 9mm caliber semiautomatic pistol, S/N: C219348, was reported stolen on November 18, 2021, out of Detroit, Michigan.

18. Lastly, on March 16, 2022, I contacted SA Jacobs, an expert in the Interstate Nexus of firearms and ammunition. SA Jacobs stated that the firearms recovered are firearms as defined by federal law and was manufactured outside the state of Michigan and therefore traveled in and affected interstate commerce.

III. CONCLUSION

19. Based on the aforementioned facts, probable cause exists that Marcellus CORNWELL, a convicted felon, did knowingly and intentionally possess a firearm, which traveled in and affected interstate commerce, in violation of Title 18 U.S.C. § 922(g)(1).

Respectfully submitted,



Special Agent Jameria Caldwell
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Sworn to before me and signed in my presence
and/or by reliable electronic means


Honorable Jonathan J.C. Grey
United States Magistrate Judge

Date: April 26, 2022